

**United States District Court
District of Massachusetts**

United States of America,)
)
)
v.)
)
Gregory Colburn, et al.,)
)
Defendants.) Criminal Action No.
) 19-10080-NMG
)
)
)
)

MEMORANDUM & ORDER

GORTON, J.

Defendant Elizabeth Henriquez pled guilty to one count of conspiracy to commit mail and wire fraud and honest services mail and wire fraud, in violation of 18 U.S.C. § 1349, and one count of money laundering conspiracy, in violation of 18 U.S.C. § 1956(h), in connection with her agreement to pay William "Rick" Singer to facilitate cheating on five standardized tests for her two daughters, and to cause one of her daughters to be wrongfully recruited as a student athlete, thereby facilitating her admission to Georgetown University. On March 31, 2020, this Court sentenced defendant Henriquez to, inter alia, seven months' imprisonment.

On June 2, 2020, Henriquez moved to modify her sentence under § 3582(c)(1)(A)(i), seeking to convert her sentence of

imprisonment to a term of home confinement because of concerns related to the COVID-19 pandemic. The Court denied her motion, offering instead to postpone her self-surrender date. Henriquez chose not to postpone that date and reported to FCI Dublin in California on June 29, 2020.

Defendant has now moved to reduce her sentence by four months pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) because of concerns related to the COVID-19 pandemic and the harsh prison conditions imposed to prevent its spread. The government opposes the motion on several grounds including 1) the conditions imposed have been necessary and successful in preventing the spread of COVID-19 within FCI Dublin and 2) the defendant chose to report to prison early, rather than postpone her self-report date, knowing that she would be quarantined for at least 14 days and that social visits had been suspended. With leave of Court, defendant has filed a reply in support of her motion to reduce sentence which the Court has considered.

The COVID-19 pandemic is an unprecedented and continually evolving cause of concern and the Court is cognizant of the particular risk of transmission in penitentiary facilities. As explained at defendant's sentencing and, notwithstanding the current public health crisis, there are good reasons why the period of incarceration imposed is warranted by the defendant's criminal conduct in this case. The Court will, therefore, deny

defendant's motion. If the public health crisis does not continue to abate within the next few months, the Court will entertain a motion to reconsider.

ORDER

For the foregoing reasons, the motion of defendant Elizabeth Henriquez to modify sentence (Docket No. 1471) is **DENIED without prejudice.**

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated September 21, 2020